

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENNETH BARKER,  
Plaintiff,

No. C 16-05647 WHA

v.

KENNETH I. CHENAULT, Chairman  
and Chief Executive Officer, and  
AMERICAN EXPRESS COMPANY,  
Defendants.

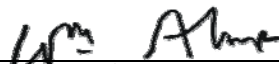
**ORDER RE PLAINTIFF'S  
REQUEST TO  
REOPEN MEDIATION**

Plaintiff Kenneth Barker seeks an order reopening mediation, contending that the previous mediation was inoperative since, at the earlier mediation, Defendant American Express Company contended that the proper defendant should have been American Express Centurion Bank (Dkt. No. 89 at 1). American Express Company has since acceded to Barker's position that he is entitled to sue the company he names as defendant — here American Express Company, not American Express Centurion Bank.

Nevertheless, Barker's motion is premature. An order invited defendants to bring an early summary judgment motion, which is due in nine days. This motion may dispose of the case entirely, or at least streamline the issues. Accordingly, plaintiff's request to reopen mediation is **DENIED**. This is without prejudice to a stipulated request to reopen mediation brought by all parties or a renewed request after the foregoing motion has been resolved.

**IT IS SO ORDERED.**

Dated: July 12, 2017.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE